



**US Army Corps  
of Engineers®**

# Public Notice

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Public Notice No. **04-29**

Date: **April 29, 2004**

Nashville District

Application No. **4323900**

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**Please address all written responses, by May 28, 2004, to:**

Nashville District Corps of Engineers, Regulatory Branch

3701 Bell Road, Nashville, TN 37214

Attn: Lisa Morris, Telephone 615/369-7504, Fax 615/369-7501

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**COMMONWEALTH OF KENTUCKY**

**SUBJECT:** Proposed Maintenance Dredging in Lick Creek Embayment of Cumberland River Mile 43.0, Right Bank

**TO ALL CONCERNED:** The dredging project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899**.

- The proposed disposal site for the dredged materials associated with this project is upland; however, excess water from a contained disposal site that is returned to a waterway is administratively defined as a discharge of dredged material, pursuant to Section 404 of the Clean Water Act (CWA). In this case, the return water would be clarified by process in the disposal area, as described below, so the action meets the criteria for authorization under Nationwide Permit (NWP) #16, dated March 18, 2002. However, before the NWP is valid, the Commonwealth of Kentucky, Division of Water, must provide certification that applicable water quality standards will not be violated (pursuant to Section 401(a)(1) of the CWA). By copy of this notice, the applicant hereby applies for the required certification.
- The proposed action would cross Government Fee Tracts 1210 and 1214. A Corps of Engineers real estate instrument may be required.

**APPLICANT:** Eddyville Riverport & Industrial Development Authority  
(Previously known as Lyon County Port Authority)  
978 Port Authority Road  
Eddyville, KY 42038

**LOCATION:** Lick Creek Embayment at Mile 0.8, left bank. Lick Creek is a tributary of the Cumberland River at Mile 43.0, right bank, Lake Barkley, in Lyon County, Kentucky. (Quad— Eddyville, KY; lat 37-04-05, lon 88-03-49; Navigation Chart #6).

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**Background:** Records indicate that Dunbar and Sullivan performed initial dredging of the port channel in 1969 for the development of their facility. In 1977, the 300' wide channel was extended by dredging, beginning where Dunbar and Sullivan ended, for the Lyon County Port Authority. A remaining area was dredged in 1979 north towards the I-24 right-of-way fence. In all instances, the channel sections were dredged to a minimum bottom Elevation 343 and no dredging has occurred since. Normal Summer pool of Lake Barkley is Elevation 359.0; winter pool is Elevation 354.0. A sounding performed in 1998 indicated more than four feet of sedimentation has been deposited in the channel above Elevation 343; it is estimated that even more has occurred since then.

**DESCRIPTION:** The proposed work consists of dredging approximately 30,000 cubic yards of material from the channel in order to regain a bottom Elevation 343 feet for safe barge navigation and maneuvering. The proposed dredged area measures 1500' long x 300' wide and 5' deep. The material would be removed by barge-mounted suction dredge and pumped upland to a containment basin located above Elevation 378. The dredged material would be pumped from the barge through a continuous pipeline to two sedimentation basins constructed specifically for this project. These basins would be located approximately 600 and 900 feet upland on port property. Each basin would be constructed with an earthen dam with manual discharge and emergency overflow structure. Long-term dewatering would be accomplished through natural infiltration and no under-drains would be provided. Construction of the basins would be completed prior to mobilization of the dredge contractor. Because the basins are sized with a combined volume of 30,000 cubic yards, it would be necessary to continue until both basins have been filled, at which time dredging would cease. These basins would then be allowed to remain undisturbed to settle for a period of time (2 to 3 weeks) until a significant amount of clarified water is visible on top. Clarified water would be returned to Lake Barkley by way of pump and/or siphon. Once the level of the basins has been sufficiently lowered, dredging operations would resume and process repeated. It is estimated that a total of six months would be required to complete the process. In addition to this specific request, a permit, if issued would authorize maintenance dredging of the area as needed for a ten-year period. Plans of the proposed work and disposal are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

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The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

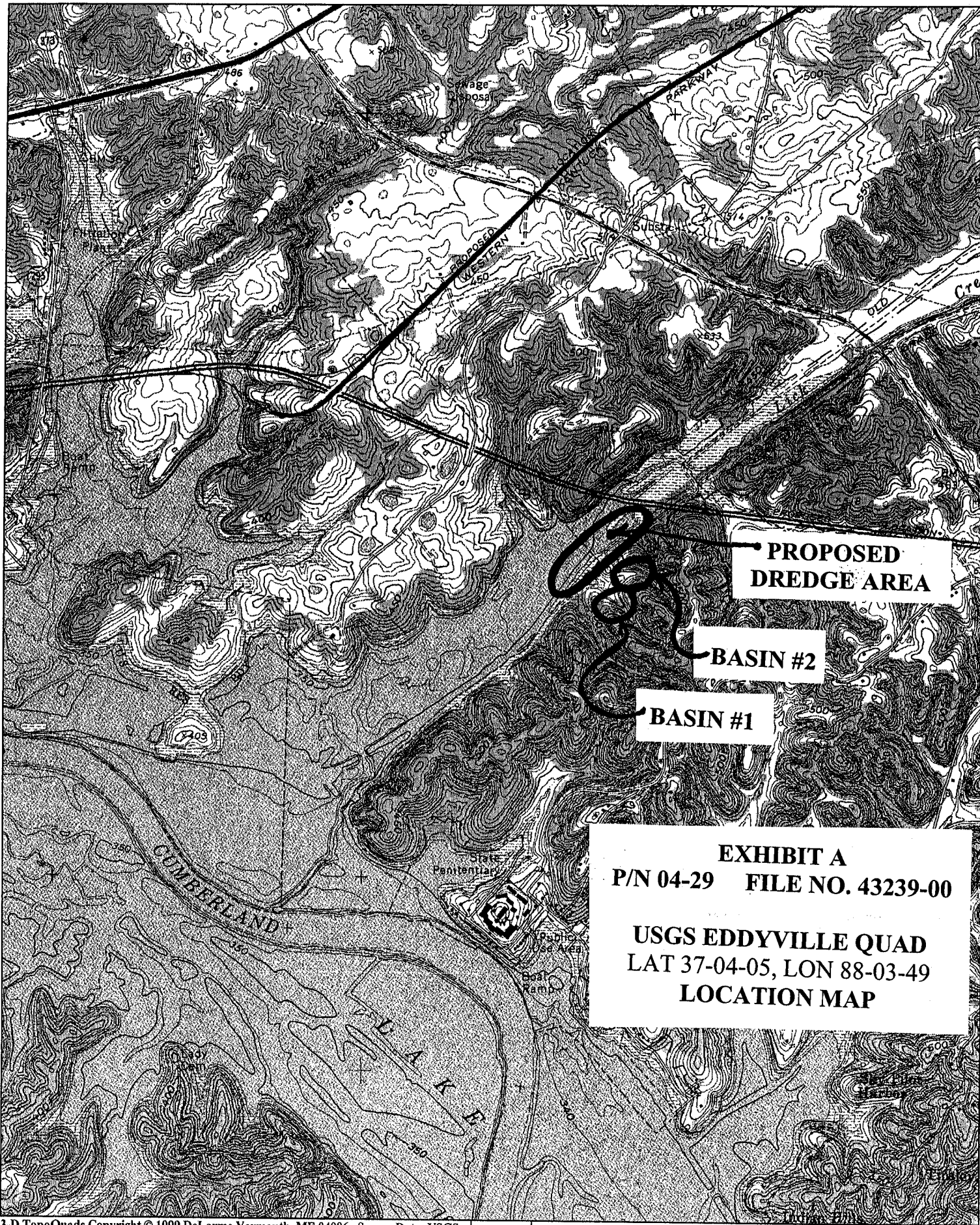
The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

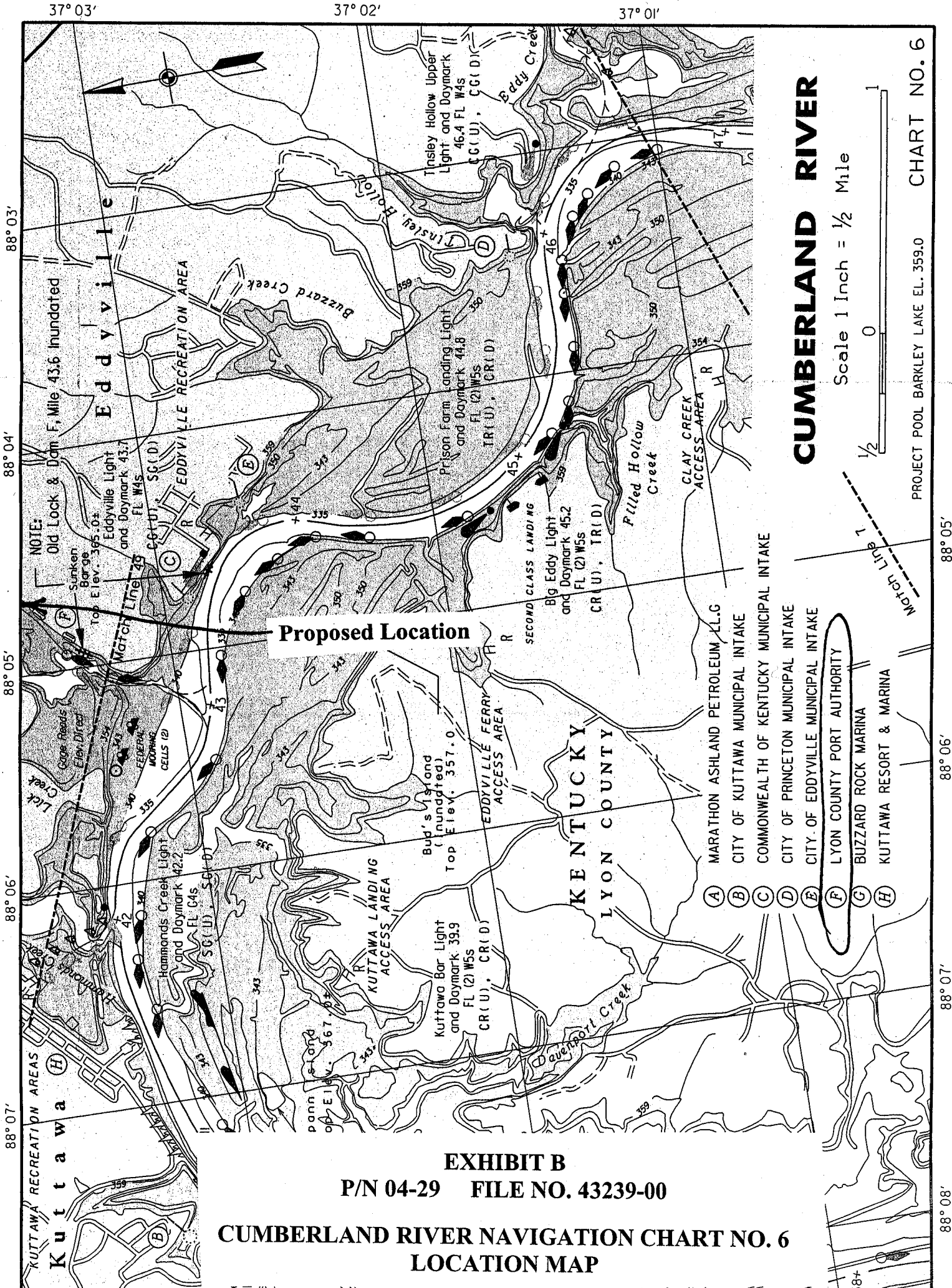
Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

In addition to the DA permit, the real estate instrument, and the water quality certification, other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **May 28, 2004**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone (615) 369-7504.

It is not necessary to comment separately to the Commonwealth since copies of all comments will be sent to them and will become part of their records on the proposal. Questions regarding the water quality certification can be directed to John Dovak, Kentucky Natural Resources and Environmental Protection Cabinet, Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601, telephone (502) 564-3410.





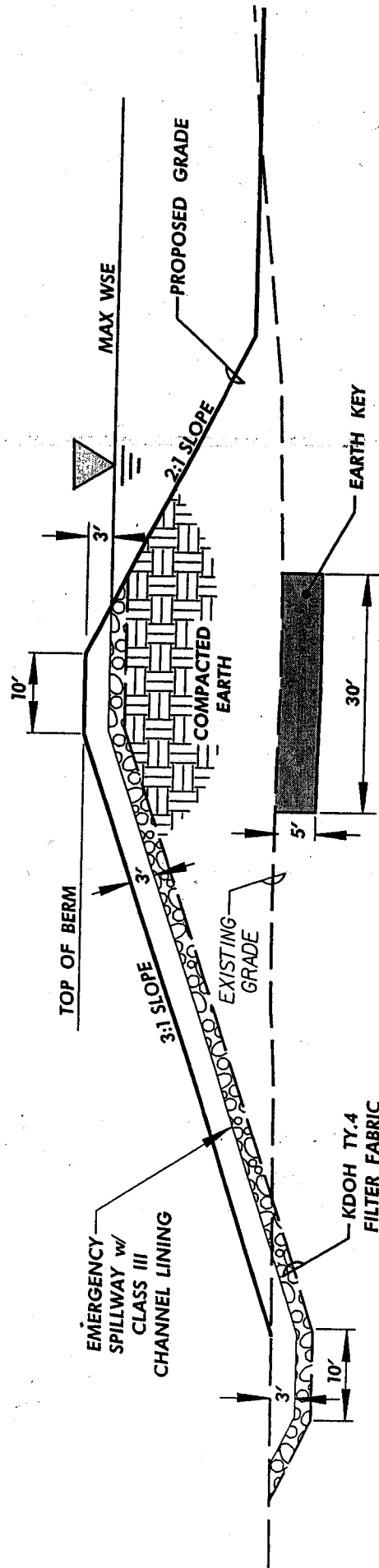


EXHIBIT D  
P/N 04-29 FILE NO. 43239-00

IMPOUNDMENT STRUCTURE FOR DISPOSAL CONTAINMENT SITE  
TYPICAL CROSS SECTION  
SIDE VIEW



Florence & Hutcheson, Inc.  
CONSULTING ENGINEERS

EDDYVILLE RIVERPORT AND INDUSTRIAL  
DEVELOPMENT AUTHORITY, INC.

TYPICAL BASIN  
DAM SECTION